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REPORT
OF THE
SECRETARY OF THE TERRITORY
FOR THE
TWO YEARS ENDING
December 31, 1906.

REPORT.

TERRITORY OF NEW MEXICO,
OFFICE OF THE SECRETARY.

Santa Fe, N. M., December 31, 1906.

Hon. Herbert J. Hagerman, Governor of New Mexico, Santa Fe:

Sir:—I have the honor to submit herewith a biennial report upon the transactions in this department during the calendar years 1905 and 1906, together with some recommendations and suggestions for the consideration of the in-coming legislative assembly. To this report there will be appended for separate publication an Official Register and Legislative Manual, which will embody as well the statistics in relation to corporations and election returns.

ELECTIONS.

Again, as in 1904, the remarks in the report made at that time are applicable today to the situation with respect to our election laws in almost every particular. It is true that the act relative to elections passed in 1905 did remedy some of the discrepancies which then existed with reference to the official adoption of party emblems, and to the custom which then prevailed of issuing ballots containing party names which were intended to, or had a tendency to confuse the voter. Many of the other evils, conflicts and discrepancies, however, still remain unsettled, and particularly among these may be mentioned the uncertainty or irregularity which prevails throughout the different counties and in the Territory as a whole with reference to the running of independent candidates. As suggested before, it would seem advisable to make provisions for running independent candidates upon the petition system, and require that a certain percentage of the legal voters in any county, district, or in the Territory, as a whole, should be required to sign a petition endorsing the proposed independent candidacy whenever an attempt is to be made to put candidates in the field who do not represent any regularly organized political party.

The conditions with reference to canvassing the returns for members of the legislature who run in districts composed of more than one county remain as unsatisfactory as ever. As this office is not

furnished with copies of the official ballot used in the various counties, and as the poll books and return sheets from these counties do not indicate the legislative districts in which the candidates run it is a matter of extreme difficulty to canvass the returns upon anything like an authoritative basis. Of course, it is practicable, by consulting all of the returns from all counties, to arrive at a conclusion upon this question by the method of exclusion, but this method is not at all a satisfactory one to adopt upon a matter of such importance.

During the canvass of the returns of the election held on November sixth last, the fact which has been noted upon many previous occasions was again brought strongly into prominence; that the Boards of County Commissioners when sitting as canvassing boards, are frequently careless upon the subject of accepting incomplete or imperfect returns from the different precincts. There is a very definite and very simple method of procedure outlined in the present election law which, if followed, would enable the County Commissioners to obtain a perfect return from each precinct, and it would seem advisable that the District Attorneys throughout the Territory be requested to advise the various boards more fully upon this subject.

Again, the unsatisfactory character of the present poll book should be considered, and, as suggested before, it would seem advisable to provide for a poll book of an entirely different character from that now in use. A book with very simple ruling, which would permit the entering of the names of voters in numerical order, together with one tally sheet at the back upon which all of the votes of the precinct could be tallied, would be not only much more easy to understand and use, but would be very much less expensive than the present book with its elaborate, and to a large degree useless, ruled columns, running over many pages.

Upon the whole, there appear to be so many discrepancies and unsatisfactory features connected with our present election law, which is a jumble of conflicting statutes passed from time to time between 1851 and 1905, that the only really satisfactory way in which to treat this subject and produce a comprehensive statute would be to have the in-coming legislature consider, and if practicable, adopt an entirely new election law, which could treat all phases of the subject and repeal all of the acts at present in force.

CORPORATIONS.

The General Corporation Act of 1905, has proven, upon the whole, very satisfactory in its operation and appears to have justi-

fied in full the expectations of its sponsors. Numbers of foreign corporations that had been doing business in the Territory prior to that time without having filed articles or without having complied with our law in any manner, have taken steps since the passage of the present act to acquire formal authority to do business in the Territory, and of course, the corporation fees paid by these companies have been so much assistance to the territorial treasury.

The number of incorporations during 1905 and 1906 has kept pace with the general increase in business prosperity, and reached the total of 470 companies. The funds received from this source for the benefit of the territorial treasury show a steady and very gratifying increase, having reached a total for the two years of \$26,823.00, as compared with a total of \$22,728.00 during the years 1903 and 1904. It may be predicted with assurance that as prospective incorporators and their legal advisers become more thoroughly acquainted with the advantageous features of this statute the number of incorporations here will increase steadily, and thereby continue to increase the territorial receipts from this source.

There are a few minor inconsistencies in this act to which the attention of the legislature might well be directed, particularly as to the question of its applicability in any respect to railway corporations. There are several portions of the act which appear from the language used to be intended to apply to all corporations of whatever character doing business in the Territory; on the other hand, there is in Section 133 an exception provided which leads to more or less confusion in construing the statute.

With a few minor changes of this character, however, the act will undoubtedly be found to be the most generally comprehensive and satisfactory statute upon this subject which has ever been passed by the New Mexico legislature.

In close affiliation with this general topic is that act providing for the registration of trade-marks and labels which was recommended in the report two years ago and passed by the last legislative assembly. Numerous individuals, firms and corporations have taken advantage of this act and have registered trademarks or labels in regular use by them upon goods, wares or other merchandise which they sell or manufacture.

NOTARIES PUBLIC AND COMMISSIONERS OF DEEDS.

During 1905 and 1906 commissions were issued to 614 notaries public in the various counties of the Territory. As has been suggested in former reports, there are many of these officials who do not have the means to purchase a full set of our statutes, and thus

remain in ignorance of their powers and duties. The legislation upon this subject is scattered throughout all of our printed statutes, and the condition would be much improved if the legislature would enact a new and comprehensive law upon the subject which might be printed in pamphlet form and furnished to these officials at the time they receive their commissions.

During the two years commissions were issued to 755 territorial officials, boards, and members of miscellaneous delegations and committees.

The following commissioners of deeds for New Mexico in other states and territories are qualified at this writing:

Charles Edgar Mills, New York City, New York, term expires Jan. 22, 1907.

Charles Hall Adams, Boston, Massachusetts, term expires Feb 23, 1907.

John A. Peck, St. Louis, Missouri, term expires March 3, 1907

J. Burke Hendry, London, England, term expires May 8, 1907

Samuel L. Taylor, Philadelphia, Pennsylvania, term expires April 4, 1907.

Joseph B. Breman, New York City, New York, term expires August 1, 1907.

Alfred Mackay, New York City, New York, term expires October 15, 1907.

James L. King, San Francisco, California, term expires November 17, 1907.

Edwin F. Corey, New York City, New York, term expires November 23, 1907.

Silas S. Willard, Chicago, Illinois, term expires November 27, 1907.

Simeon W. King, Chicago, Illinois, term expires November 30 1907.

Charles S. Bundy, Washington, D. C., term expires December 7, 1907.

Isidor J. Pocher, New York City, New York, term expires December 4, 1907.

Thomas J. Hunt, Philadelphia, Pennsylvania, term expires May 7, 1908.

Fergus F. MacWilkie, Philadelphia, Pennsylvania, term expires May 22, 1909.

W. J. De Gress, City of Mexico, Mexico, term expires July 18, 1909.

T. Cato Worsfold, London, W. C., England, term expires July 28, 1910.

MISCELLANEOUS MATTERS.

In conformity with a recommendation in the last report by this department, the legislature of 1905, passed an act providing for the distribution of the re-print of the Session Laws of 1899 and 1901 to officials of the Territory and of new counties who had not been supplied with the acts at the time of their passage. In this way numbers of these re-prints have been distributed, while a number of copies have been sold to attorneys and others at the cost price of \$2.00.

At the present time nothing further has been heard from the Librarian of Congress at Washington with reference to the progress which has been made in arranging, indexing and translating the Spanish archives which were forwarded to the Librarian in 1903. At the same time that these archives were transferred the Librarian stated that a great deal of time and labor would necessary to treat his subject in proper form, and that it might be some years before matters could be put in proper condition to be of general use.

In 1905 the vault in this department became so crowded as to make the documents and records contained therein almost inaccessible, and it was found necessary to transfer many of the older legislative documents to a store room in the basement. By the kindly co-operation of the Capitol Custodian Committee one side of the vault was remodeled and a tier of steel roller book shelves and compartments installed, the result of which has been to make it feasible to place all of the documents and records for recent years in a condition of orderly arrangement and accessibility.

During the past two years the volume of business transacted by the department has continued to increase steadily and has reached a maximum within the last few months, owing to the general election which was held in November and to the preparations necessary for the incoming legislature. At this time the office force consists of five clerks, who, with the Secretary, himself, find it difficult to keep the current work well in hand. This has been accomplished, however, by diligent attention to duty on the part of all concerned and everything is prepared as far as possible at this time for the legislative session.

Following the plan adopted in 1904, there has been prepared for publication as an appendix to this report an official register and legislative manual, which follows very closely the general outline of the volume issued two years ago. The statistics and

other data in this book have been brought down to the present date and it is believed that the information contained therein will be of interest, not only to officers and boards, but to members of the general public who may have occasion to consult the work.

Very respectfully,

J. W. RAYNOLDS,
Secretary.